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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re application of

Georg BERGER, et al.

Application No.: 10/689,219

Filed: October 20, 2003

For: BONE REPLACEMENT MATERIAL COMPRISING CRYSTALLINE
AND X-RAY AMORPHOUS PHASES

Attorney Docket No.: 3975.026

Customer ID: 000041288

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97 and §1.98

Mail Stop: _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application, which were cited in the in the corresponding European International Search Report a copy of which is attached. Because the present application was filed after June 30, 2003, a copy of the U.S. reference is not submitted herewith. 1276 O.G. 55. A copy of the second article set forth below and listed on the attached Form PTO-1449 is provided herewith.

1. U.S. Patent 3,922,155

U.S. PATENT APPLICATION

SERIAL NO.: 10/689,219

ATTY DOCK: 3975.026

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

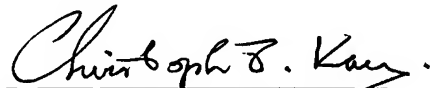
2. "Morphological Evaluation of Osteoblasts Cultured On Different Calcium Phosphate Ceramics", Knabe C. et al, Biomaterials, Elsevier Science Publishers BV., Barking, GB (1997) No. 20, pp. 1339-1347.

The present Supplemental Information Disclosure Statement is being filed after three months from the application's filing date but before the mailing date of the first Office Action on the merits, therefore no Certification Under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedated or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

Respectfully submitted,



Christopher J. Kay

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Dated: **July 15, 2004**

U.S. PATENT APPLICATION

SERIAL NO.: 10/689,219

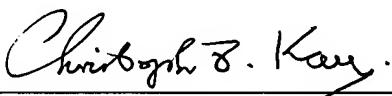
ATTY DOCK: 3975.026

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

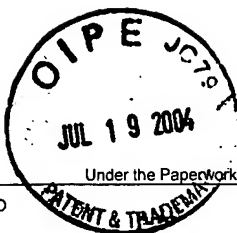
CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT Form PTO-1449, including one (1) documents and a copy of a European Search Report, for U.S. Application No. 10/689,219 filed October 20, 2003, were deposited in first class U.S. mail, postage prepaid, Mail Stop: _____, Commisioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **July 15, 2004**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Christopher J. Kay



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete If Known	
		Application Number	10/689,219
		Filing Date	10/20/2003
		First Named Inventor	Berger et al.
		Art Unit	Not yet assigned
Examiner Name	Not yet assigned		
Sheet	1 of 1	Attorney Docket No.	3975.026

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-3,922,155	11/25/1975	Kaes Hans-Herbert et al.	Requirement tables
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		"Morphological Evaluation of Osteoblasts Cultured On Different Calcium Phosphate Ceramics", Knabe C. et al, Biomaterials, Elsevier Science Publishers BV., Barking, GB (1997) No. 20, pp. 1339-1347	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.